

**BEFORE THE  
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues  
Against:

**LISA BAO NGO  
3030 Centerwood Way  
San Jose, CA 95148**

Respondent.

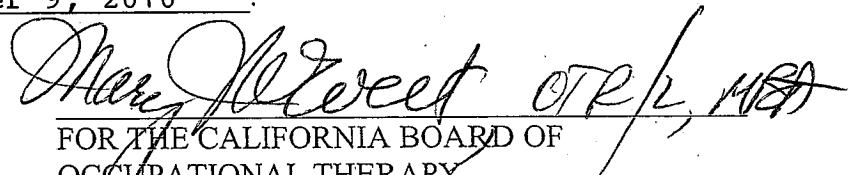
Case No. AL 2009-85

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the California Board of Occupational Therapy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on initial date of licensure.

It is so ORDERED November 9, 2010.

  
FOR THE CALIFORNIA BOARD OF  
OCCUPATIONAL THERAPY  
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 CAROL ROMEO  
Deputy Attorney General  
4 State Bar No. 124910  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 622-2141  
Facsimile: (510) 622-2270  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
**CALIFORNIA BOARD OF OCCUPATIONAL THERAPY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
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11 In the Matter of the Statement of Issues  
Against:

12 **LISA BAO NGO**  
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14 **San Jose, CA 95148**

15 Respondent.

Case No. AL 2009-85

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Heather Martin (Complainant) is the Executive Officer of the California Board of  
21 Occupational Therapy. She brought this action solely in her official capacity and is represented  
22 in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Carol  
23 Romeo, Deputy Attorney General.

24 2. Respondent Lisa Bao Ngo (Respondent) is represented in this proceeding by attorney  
25 Bernard J. Bray, whose address is Law Offices of Bernard J. Bray, 111 West St. John Street, Suite  
26 524, San Jose, CA 95113.

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3. On or about September 23, 2009, Respondent filed an application dated September 17, 2009, with the California Board of Occupational Therapy to obtain an Occupational Therapist License.

## JURISDICTION

4. Statement of Issues No. AL 2009-85 was filed before the California Board of Occupational Therapy (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Statement of Issues and all other statutorily required documents were properly served on Respondent on June 15, 2010. Respondent timely filed her Notice of Defense contesting the Statement of Issues. A copy of Statement of Issues No. AL 2009-85 is attached as Exhibit A and incorporated by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Statement of Issues No. AL 2009-85. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Statement of Issues No. AL 2009-85.

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9. Respondent agrees that her application for an Occupational Therapist License is subject to denial and she agrees to be bound by the California Board of Occupational Therapy's imposition of discipline as set forth in the Disciplinary Order below.

## CONTINGENCY

10. This stipulation shall be subject to approval by the California Board of Occupational Therapy. Respondent understands and agrees that counsel for Complainant and the staff of the California Board of Occupational Therapy may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

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**DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that an Occupational Therapist License issued to Respondent Lisa Bao Ngo is revoked. However, the revocation is stayed and Respondent is placed on probation for three years.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws and regulations governing the practice of occupational therapy in California. Respondent shall submit, in writing, a full detailed account of any and all violations of the law to the Board within five (5) days of occurrence.

2. **Compliance with Probation and Quarterly Reporting.** Respondent shall fully comply with the terms and conditions of probation established by the Board and shall cooperate with representatives of the Board in its monitoring and investigation of the respondent's compliance with probation. Respondent, within ten (10) days of completion of the quarter, shall submit quarterly written reports to the Board on a Quarterly Report of Compliance form obtained from the Board.

3. **Personal Appearances.** Upon reasonable notice by the Board, respondent shall report to and make personal appearances at times and locations as the Board may direct.

4. **Notification of Address and Telephone Number Change(s).**

Respondent shall notify the Board, in writing, within five (5) days of a change of residence or mailing address, of her new address and any change in work and/or home telephone numbers.

5. **Tolling for Out-of-State Practice, Residence or In-State Non-Practice.**

In the event respondent should leave California to reside or to practice outside the State for more than thirty (30) days, respondent shall notify the Board or its designee in writing within ten (10) days of the dates of departure and return. All provisions of probation, other than the address change, education requirements, and cost recovery requirements, shall be held in abeyance until respondent resumes practice in California. All provisions of probation shall recommence on the effective date of resumption of practice in California.

6. **Notification to Employer(s).** When currently employed or applying for employment in any capacity in any health care profession, Respondent shall notify her employer of the

1 probationary status of respondent's license. This notification to the current employer shall occur  
2 no later than the effective date of the Decision. Respondent shall notify any prospective health  
3 care employer of her probationary status with the Board prior to accepting such employment.  
4 This notification shall be made by providing the employer or prospective employer with a copy of  
5 the Board's Accusation and Stipulated Settlement and Disciplinary Decision and Order.

6 Respondent shall cause each health care employer to submit quarterly reports to the Board.  
7 The reports shall be on a form provided by the Board, shall include a performance evaluation and  
8 such other information as may be required by the Board.

9 Respondent shall notify the Board, in writing, within five (5) days of any change in  
10 employment status. Respondent shall notify the Board, in writing, within five (5) days if she is  
11 terminated from any occupational therapy or health care related employment with a full  
12 explanation of the circumstances surrounding the termination.

13 **7. Employment Requirements and Limitations.** During probation, respondent shall  
14 work in her licensed capacity in the State of California. This practice shall consist of no less than  
15 (6) continuous months and of no less than twenty (20) hours per week.

16 While on probation, respondent shall not work for a registry or in any private duty position,  
17 except as approved, in writing, by the Board. Respondent shall work only on a regularly  
18 assigned, identified, and pre-determined work site(s) and shall not work in a float capacity except  
19 as approved, in writing, by the Board.

20 **8. Supervision Requirements.** Respondent shall obtain prior approval from the Board,  
21 before commencing any employment, regarding the level of supervision provided to the  
22 respondent while employed as an occupational therapist or occupational therapy assistant.

23 Respondent shall not function as a supervisor during the period of probation except as  
24 approved, in writing, by the Board.

25 **9. Continuing Education Requirements.** Respondent shall complete twelve (12)  
26 hours of continuing education course work in the area of Law and Ethics. Such continuing  
27 education shall be completed within three (3) months of the effective date of the Decision.

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1 The continuing education course work shall be in addition to the professional  
2 development activities required for license renewal. Within thirty (30) days of effective date of  
3 the Decision and Order in this matter, Respondent shall submit a written plan to comply with this  
4 requirement. The Board shall approve such plan prior to enrollment in the course of study.

5 Failure to satisfactorily complete the required continuing education as scheduled shall  
6 constitute a violation of probation. Respondent is responsible for all costs of such continuing  
7 education. Upon successful completion of the course(s), Respondent shall send in the original  
8 certificate she receives for the coursework to the Board within thirty (30) days of course  
9 completion.

10 10. **Maintenance of Valid License.** Respondent shall, at all times while on probation,  
11 maintain an active current license with the Board, including any period during which license is  
12 suspended or probation is tolled.

13 11. **Cost Recovery Requirements.** Respondent shall reimburse the Board for its  
14 costs in the amount of \$1,000.00 for the investigation and enforcement of this matter pursuant to  
15 Business and Professions Code section 125.3. Respondent will be permitted to pay these costs in  
16 a payment plan approved by the Board, with the payments to be completed no later than six  
17 months prior to the end of the probation term. Any order of costs shall remain in effect whether  
18 or not probation is tolled. Probation shall not terminate until full payment has been made. A  
19 period of non-practice by Respondent shall not relieve Respondent of her obligation to reimburse  
20 the Board for its costs.

21 Failure to make payments in accordance with any approved payment entered into with the  
22 Board or pursuant to any Decision by the Board shall be considered a violation of probation.  
23 Except as provided above, the Board shall not renew or reinstate the license of any respondent  
24 who has failed to pay all the costs as directed in a Decision.

25 12. **Violation of Probation.** If respondent violates probation in any respect, the  
26 Board, after giving respondent notice and opportunity to be heard, may revoke probation and  
27 carry out the disciplinary order which was stayed. If an accusation or a petition to revoke  
28 probation is filed against respondent during probation, the Board shall have continuing

1 jurisdiction until the matter is final, and the period of probation shall be extended until the matter  
2 is final.

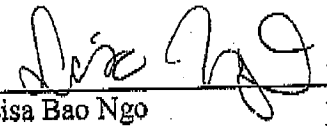
3 13. **Completion of Probation.** Upon successful completion of probation,  
4 respondent's license will be fully restored.

5 14. **No Early Termination or Modification of Probation.** Respondent waives her  
6 rights to petition for early termination or modification of probation. Respondent shall not apply  
7 for early termination or modification of probation.

8 **ACCEPTANCE**

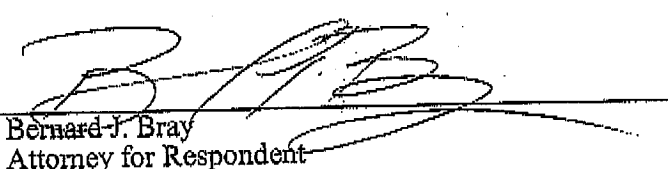
9 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
10 discussed it with my attorney, Bernard J. Bray. I understand the stipulation and the effect it will  
11 have on my Occupational Therapist License. I enter into this Stipulated Settlement and  
12 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
13 Decision and Order of the California Board of Occupational Therapy.

14  
15 DATED: 11-2-10

  
16 Lisa Bao Ngo  
Respondent

17 I have read and fully discussed with Respondent Lisa Bao Ngo the terms and conditions  
18 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve  
19 its form and content.

20 DATED: 11-2-10

  
21 Bernard J. Bray  
Attorney for Respondent  
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**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the California Board of Occupational Therapy of the Department of Consumer Affairs.

Dated: November 2, 2010

Respectfully Submitted,

EDMUND G. BROWN JR.  
Attorney General of California  
DIANN SOKOLOFF  
Supervising Deputy Attorney General

CAROL ROMEO  
Deputy Attorney General  
*Attorneys for Complainant*